

Herger	McKeon	Shiff
Johnson, Sam	Neal	Stupak
King (NY)	Pomeroy	Taylor (NC)
Klink	Radanovich	Visclosky
Largent	Riggs	
Markey	Rogan	

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. EMERSON, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

#### 15.6 PROHIBITION ON FEDERAL EDUCATION FUNDS FOR NATIONAL TESTING

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to House Resolution 348 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2846) to prohibit spending Federal education funds on national testing without explicit and specific legislation.

The SPEAKER pro tempore, Mrs. EMERSON, by unanimous consent, designated Mr. EWING as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. MCHUGH, assumed the Chair.

When Mr. EWING, Chairman, pursuant to House Resolution 348, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

#### SECTION 1. FINDINGS.

The Congress finds the following:

(1) High State and local standards in reading, mathematics, and other core academic subjects are essential to the future well-being of elementary and secondary education in this country.

(2) State and local control of education is the hallmark of education in the United States.

(3) Each of the 50 States already utilizes numerous tests to measure student achievement, including State and commercially available assessments. State assessments are based primarily upon State and locally developed academic standards.

(4) Public Law 105-78, the Labor, Health and Human Services and Education Appropriations Act, 1998, ensures that Federal funds may not be used to field test, pilot test, implement, administer, or distribute in any way, any federally sponsored national test in fiscal year 1998, requires the National Academy of Sciences to conduct a study to determine whether an equivalency scale can be developed that would allow existing tests to be compared one to another, and permits very limited test development activities in fourth grade reading and eighth grade mathematics in fiscal year 1998.

(5) There is no specific or explicit authority in current Federal law authorizing the

proposed federally sponsored national tests in fourth grade reading and eighth grade mathematics.

(6) The decision of whether or not this country implements, administers, disseminates, or otherwise has federally sponsored national tests in fourth grade reading and eighth grade mathematics or any other subject, will be determined primarily through the normal legislative process involving Congress and the respective authorizing committees.

#### SEC. 2. PROHIBITION ON FEDERALLY SPONSORED TESTING.

Part C of the General Education Provisions Act is amended by adding at the end the following:

#### "§ 447. Prohibition on federally sponsored testing

"(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and, except as provided in sections 305 through 311 of Public Law 105-78, the Labor, Health and Human Services and Education Appropriations Act, 1998, funds provided to the Department of Education or to an applicable program under this Act or any other Act, may not be used to develop, plan, implement (including pilot testing or field testing), or administer any federally sponsored national test in reading, mathematics, or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law.

"(b) EXCEPTIONS.—Subsection (a) shall not apply to the Third International Math and Science Study or other international comparative assessments developed under authority of section 406(a)(6) of the National Education Statistics Act of 1994, and administered to only a representative sample of pupils in the United States and in foreign nations."

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. MCHUGH, announced that the yeas had it.

Mr. CLAY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 242  
Nays ..... 174

#### 15.7 [Roll No.9] YEAS—242

Aderholt	Burr	Danner
Archer	Buyer	Davis (VA)
Army	Callahan	Deal
Bachus	Calvert	DeFazio
Baker	Camp	DeLay
Ballenger	Campbell	Diaz-Balart
Barr	Canady	Dickey
Barrett (NE)	Castle	Doolittle
Bartlett	Chabot	Doyle
Barton	Chambliss	Dreier
Bass	Chenoweth	Duncan
Bateman	Christensen	Dunn
Bereuter	Coble	Ehlers
Bilbray	Coburn	Ehrlich
Bilirakis	Collins	Emerson
Bliley	Combest	English
Blunt	Condit	Ensign
Boehlert	Cook	Evans
Boehner	Cooksey	Everett
Bonilla	Cox	Ewing
Boyd	Crane	Fawell
Brady	Crapo	Foley
Bryant	Cubin	Fossella
Bunning	Cunningham	Fowler

Fox	Leach	Roukema
Franks (NJ)	Lewis (CA)	Royce
Frelinghuysen	Lewis (KY)	Ryun
Gallegly	Linder	Salmon
Ganske	Lipinski	Sanford
Gekas	Livingston	Saxton
Gibbons	LoBiondo	Scarborough
Gilchrest	Lucas	Schaefer, Dan
Gillmor	Manzullo	Schaffer, Bob
Gilman	McCollum	Sensenbrenner
Goode	McCrery	Sessions
Goodlatte	McDade	Shadegg
Goodling	McHugh	Shaw
Goss	McInnis	Shays
Graham	McIntosh	Shimkus
Granger	Metcalf	Shuster
Greenwood	Mica	Sisisky
Gutknecht	Miller (FL)	Skeen
Hall (TX)	Mollohan	Smith (MI)
Hamilton	Moran (KS)	Smith (NJ)
Hansen	Morella	Smith (OR)
Hastert	Myrick	Smith (TX)
Hastings (WA)	Nethercutt	Smith, Linda
Hayworth	Neumann	Snowbarger
Hefley	Ney	Solomon
Hill	Northup	Souder
Hilleary	Norwood	Spence
Hobson	Nussle	Stearns
Hoekstra	Oxley	Stenholm
Holden	Packard	Strickland
Horn	Pappas	Stump
Hottel	Parker	Sununu
Houghton	Paul	Talent
Hulshof	Paxon	Tauzin
Hunter	Pease	Taylor (MS)
Hutchinson	Pelosi	Taylor (NC)
Hyde	Peterson (MN)	Thomas
Inglis	Peterson (PA)	Thornberry
Jenkins	Petri	Thune
John	Pickett	Tiahrt
Johnson, Sam	Pitts	Trafficant
Jones	Pombo	Turner
Kaptur	Porter	Upton
Kasich	Portman	Walsh
Kelly	Pryce (OH)	Wamp
Kim	Quinn	Watkins
King (NY)	Radanovich	Watts (OK)
Kingston	Ramstad	Weldon (FL)
Klecicka	Redmond	Weldon (PA)
Klug	Regula	Weller
Knollenberg	Riggs	White
Kolbe	Riley	Whitfield
LaHood	Roemer	Wicker
Largent	Rogan	Wolf
Latham	Rogers	Young (AK)
LaTourette	Rohrabacher	Young (FL)
Lazio	Ros-Lehtinen	

#### NAYS—174

Abercrombie	Doggett	LaFalce
Ackerman	Dooley	Lampson
Allen	Edwards	Lantos
Andrews	Engel	Levin
Baessler	Etheridge	Lewis (GA)
Baldacci	Farr	Lofgren
Barcia	Fattah	Lowe
Barrett (WI)	Fazio	Luther
Bentsen	Filner	Maloney (CT)
Berman	Forbes	Maloney (NY)
Berry	Ford	Manton
Bishop	Frank (MA)	Markey
Blagojevich	Frost	Martinez
Blumenauer	Furse	Mascara
Bonior	Gejdenson	Matsui
Borski	Gephardt	McCarthy (MO)
Boswell	Gordon	McCarthy (NY)
Boucher	Green	McDermott
Brown (CA)	Gutierrez	McGovern
Brown (FL)	Harman	McHale
Brown (OH)	Hastings (FL)	McIntyre
Cardin	Hefner	McKinney
Carson	Hilliard	McNulty
Clay	Hinchey	Meehan
Clayton	Hinojosa	Meek (FL)
Clement	Hooley	Menendez
Clyburn	Hoyer	Millender
Conyers	Jackson (IL)	McDonald
Costello	Jackson-Lee	Miller (CA)
Coyne	(TX)	Minge
Cramer	Jefferson	Mink
Cummings	Johnson (CT)	Moakley
Davis (FL)	Johnson (WI)	Moran (VA)
Davis (IL)	Johnson, E. B.	Murtha
DeGette	Kanjorski	Nadler
Delahunt	Kennedy (MA)	Neal
DeLauro	Kennedy (RI)	Oberstar
Deutsch	Kennelly	Obey
Dicks	Kildee	Olver
Dingell	Kind (WI)	Ortiz
Dixon	Kucinich	Owens